IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.835 OF 2005

The State of Mharashtra ...Applicant

Vs.

Mahadeo Satwa Vatkar & Ors. ...Respondents

Shri S.R.Shinde, A.P.P for the Applicant.
None for the Respondent.

CORAM : A. S. OKA, J.
DATE : NOVEMBER 09, 2006.

P.C.:

1. Heard the learned A.P.P in support of the prayer for enhancement of sentence.

2. The Respondents have been convicted for offence punishable under section 324 read with section 34 of the Indian Penal Code. However, they have been acquitted for offence punishable under section 504 read with section 34 of the Indian Penal Code. The Respondents have been sentenced to suffer rigorous imprisonment for six months and to pay a fine of Rs.250/- each. The prayer is for enhancement of sentence. The submission is that considering the use of a rod and cable wire as weapons of assault, higher punishment ought to have been awarded.

3. The learned Trial Judge has accepted the case

made out by the Respondents that there was a prior dispute between the accused and victims over an immovable property. The alleged weapons of assault were not seized at the instance of the accused under section 27 of the Evidence Act. Considering all these aspects, the learned Trial Judge has exercised his discretion by sentencing the accused to undergo rigorous imprisonment for six months. Hence, no case is made out for interference.

4. Appeal is accordingly dismissed.

JUDGE